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SUMMARY RECORD OF THE 542nd MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 25 May 1999, at 3 p.m.

Chairperson: Ms. MBOI

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The meeting was called to order at 3.05 p.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 6) (continued)

Second periodic report of Honduras (CRC/C/65/Add.2, CRC/C/15/Add.24; CRC/C/Q/HON/2; CRC/C/A/HON/2)

1. At the invitation of the Chairperson, the members of the delegation of Honduras took places at the Committee table.

2. Mr. VALLADARES VALLADARES (Honduras), replying to the questions asked by Committee members at the previous meeting, said the Honduran Institute for Children and the Family (IHNFA) was working with other governmental bodies and non-governmental organizations (NGOs) on various issues such as child labour, abuse, street children and commercial sexual exploitation. An overall plan for the protection of children was therefore in place, but the State was aware, thanks largely to the studies it had carried out in preparing the second periodic report, of the need for better planning. The National Youth Council, a body answerable to the National Congress, also had a strategic plan, devised with the help of UNICEF and the Inter-American Development Bank. Those initiatives had their origins in the national plan of action adopted at the Eleventh Central American Summit on Human Development, Children and Youth, held in Tegucigalpa in December 1991. One of the issues of particular interest to Honduras, and one which should certainly be the subject of specific measures, was police brutality. Complaints about such brutality, not to mention acts of torture, had been transmitted to the Inter-American Commission on Human Rights. Moreover, the case of 333 minors held for two years in a centre for adults had recently been referred to IHNFA and the Office of the Children's Procurator. In cases involving such violations of the rights of the child, the Office of the Children's Procurator, following the recommendations of the Inter-American Commission on Human Rights, ordered those responsible to pay victims compensation of either a financial (200 lempiras per day of detention) or educational (the provision of scholarships) nature, and brought criminal proceedings against the judges and officials who had authorized the detention of minors in centres for adults. No study had yet been carried out to quantify the number of cases of police brutality, torture or illegal detention, but the Office of the Children's Procurator had already reported several cases of police officers sentenced for such acts. NGOs concerned about the protection of children were working in cooperation with the Public Prosecutor's Office ("Ministerio Público") and the Office of the Commissioner for Human Rights to ensure those acts did not go unpunished. A great step forward had been taken in 1998 with the organizational reform of the police force. Henceforth, police officers were considered as civil servants and came under the Ministry of Security, which was currently headed by a woman. Moreover, that new civilian arrangement was subject to checks by bodies such as the Office of the Commissioner for Human Rights, and the procedures established within the Ministry allowed official complaints of abuse or brutality to be lodged. The internal affairs unit within the Ministry was also responsible for monitoring the conduct of police officers, defining their tasks and fixing their salary scale.

3. He added that any child could lodge an official complaint with the Office of the Commissioner for Human Rights for non-respect of his or her physical, mental or moral well-being. Such a complaint was valid without the need for any formalities or legal counsel. Some cases had also been reported by national and international NGOs, and IHNFA endeavoured to ensure the implementation of the judicial measures taken.

4. With regard to child abuse in the family, he said that respect for the right to privacy was guaranteed in Honduran law but that in cases where abuse was suspected, the Public Prosecutor's Office, the Ministry of Security and, in certain cases, the Office of the Commissioner for Human Rights could intervene to determine whether the allegations of ill-treatment were well-founded. IHNFA, for its part, could provide psychological and social/family support.

5. With regard to corporal punishment in schools, he said a UNICEF study showed it did take place. Such breaches of the Code on Children and Adolescents, which clearly prohibited any form of ill-treatment, often gave rise to judicial proceedings, either in the family courts or the children's courts, or even, in cases of serious injury and following a decision by the children's judge, in the criminal courts. Anyone found guilty was liable to be fined, deprived temporarily or indefinitely of their parental rights, or even imprisoned. A law on domestic violence had recently been passed; it also asserted that women and girls had the same rights as men and boys in the family, at school and in the community. An Institute for Women would be set up very shortly to monitor the implementation of the law and to deal with all gender-related issues.

6. With regard to the views of the child, he said that at the judicial level, children were given a full hearing in cases that concerned them - such as divorce cases or those involving aspects of labour or commercial law that affected them - after due account had been taken of their age and maturity. At the administrative level, the best example of the participation of children was the system of self-management introduced in schools, which allowed the pupils of each school to elect a representative and which was going to be expanded to allow pupils to have a say in increasingly important decisions, including those on the very topical issue of school curriculum reform. Moreover, the National Congress had recently adopted a bill to set up an informal educational system so that the many children not enrolled in school because they were working or helping their parents in the fields could have access to basic education and professional training.

7. With regard to the right to freedom of association, he confirmed that a decree banning students from forming political associations had indeed been officially in force since 1984, but he pointed out that it was not in fact applied in practice and that such kinds of restriction were considered unconstitutional at the present time.

8. As far as the number of children entered in the register of births was concerned, he said it was difficult to produce figures there and then, but the 2000 census would shed some light on the subject. In any case, a campaign had been held in 1998 to encourage people to carry out that formality as a matter of course. The recent decree abolishing fines for late registration, which discouraged parents from registering their child after a certain time if they had not done so at birth, as well as the October 1998 law allowing indigenous people who did not know the Roman alphabet to register their child in their own language, would doubtless improve matters. The

main obstacles, however, were cultural: even though staff in the health service were trained to tell new mothers that the formality was compulsory and registers were available in practically all municipalities, including in rural areas, some people were still reluctant. Children not recognized by their father were not discriminated against in any way in that area, as the child could take the mother's name alone or the names of the mother and of one of the grandparents or of anyone else in the family.

9. In reply to a question from Ms. Karp, he said that, in accordance with article 1 of the Code on Children and Adolescents, every person below the age of 18 was considered a child. The legal distinction between girls and boys whereby boys were considered adolescents at the age of 12 and girls only at the age of 14 had been introduced in the legislation when the Penal Code was reformed, with the aim of duly punishing those guilty of sexual abuse of girls below the age of 14.

10. He said a "map of poverty" had been drawn up in 1998 on the basis of data from various development bodies; the map had made it possible to identify the regions that were disadvantaged in terms of access to educational and health services and to spell out spending priorities. The National Congress had recently adopted the general budget for the Republic, in which the education and health items were prominent. Activities linked to children represented 35 per cent of the total budget for those two sectors. The departmental and municipal authorities were mainly responsible for providing services in that area. However, the budget did not take into account the cooperation that would be provided by various international bodies in application of the Agenda for Action adopted at Stockholm in 1996 at the World Congress. He reminded those present that the Honduran authorities saw the national Plan of Action as the country's main hope for economic recovery, particularly after the devastation caused by Hurricane Mitch.

11. With regard to action to combat discrimination against women and girls, he stressed that setting up the Institute for Women would be a positive step. However, much remained to be done; for example, studies carried out together with UNICEF had shown that girls tended to help with domestic chores from which boys were excused. That was why the Honduran authorities had already launched campaigns to raise people's awareness of the need to end discriminatory treatment of girls.

12. Mr. DOEK first welcomed the steps the Honduran authorities had taken to prevent the imprisonment of children in the same detention centres as adults. However, he said he was concerned about information in the two reports issued in 1998, one of which revealed that Honduran girls were being sold to brothels in Guatemala, El Salvador and Mexico, while the other reported that 100 children had been sent to Vancouver to sell drugs on the city streets. What steps had the authorities taken to counter those alarming phenomena? As for the elimination of child labour, he asked what had been done to put into effect the memorandum of understanding signed by the Honduran Government and the national plan drawn up with ILO and UNICEF in the framework of the International Programme on the Elimination of Child Labour. Lastly, he wished to know what penalties were applied to paedophiles.

13. Ms. EL GUINDI asked what action was being taken to put an end to all forms of illegal adoption and what follow-up mechanisms were provided to guarantee access to education and health care for disabled children not living in specialized institutions.

14. Mr. FULCI recalled that the Committee had recommended that the State party should ensure that its adoption procedures complied with the provisions of the Convention and that it should consider ratifying the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption (para. 26 of the concluding observations of the Committee following its consideration of the initial report of Honduras, contained in document CRC/C/15/Add.24). He noted that Honduran legislation, particularly the Code on Children and Adolescents, contained no provision on the right of the child to know who his or her biological parents were, and asked whether there were any plans to fill that gap. Quoting next from a report by the Friends for Children Association drawing attention to a large increase in the number of international adoptions in 1993, he asked whether the practice of illegal adoption had been eliminated and whether the Honduran authorities intended to ratify the Hague Convention.

15. Noting that the rate of illiteracy in 1995 was the same - 22 per cent - as in 1990, he asked why the figure was so high. Finally, he would like to know what steps had been taken to implement ILO Convention No. 138 concerning the minimum age for admission to employment, and thus to put a stop to the economic exploitation of children, particularly in maquilas, or assembly factories.

16. Ms. SARDENBERG, going back to the decree banning students from forming associations, invited the Honduran Government to consider repealing that legal text. She also asked whether the authorities intended to collect data specifically on children and adolescents as part of the census due to be carried out in 2000. She stressed the need to disseminate the Convention as widely as possible, including among indigenous people. Greater public awareness would help the Government take the necessary measures in the various sectors.

17. With regard to existing mechanisms for reporting violations against children, she asked whether the Government had set up the planned telephone line and how it intended to make the Procurator's Office more effective. Lastly, she wished to know whether any specific programme had been worked out to resolve the problem of youth gangs that plagued the country.

18. Ms. MOKHUANE asked for clarification and details on the involvement of children in drug trafficking inside and outside the country. She also asked what the suicide rate was for children and adolescents and whether any particular measures had been taken in that area. Also, were social security benefits available to everyone or only to working people, and what were the advantages for children of privatizing the Honduran social security system? With regard to sex education, there seemed to be a dispute between the relevant government departments and religious organizations, and she wished to know how the interests of children were taken into account in that context. It appeared that the AIDS epidemic was continuing to spread in Honduras, despite the Government's efforts. had any studies been carried out to assess the impact of HIV/AIDS educational programmes on young people and on the spread of the epidemic? Lastly, she asked what the results had been of the cross-border project to combat the high maternal mortality rate and malnutrition among the population.

19. Mr. RABAH requested details of the adoption procedures followed by the family courts on the one hand and by the National Social Welfare Board on the other.

20. Ms. OUEDRAOGO said she was concerned at the high infant and maternal mortality rates, and asked whether the Government had taken any steps to discourage women from giving birth at home, or at least to improve the conditions for home births. It was stated in the report that 300 Honduran children had AIDS: how were those children treated, and did they suffer from any discrimination? Had the bill on the rights of people with HIV (with respect to, among other things, education, work, movement and the family), submitted to the National Congress by the Department of Health, been adopted?

21. Observing that the bilingual education programme concerned 400,000 indigenous children, she asked whether those children were integrated in the national education system or whether they received a separate education. Did all classes, especially bilingual classes, have access to libraries?

22. Ms. KARP said that budgetary credits should be permanently earmarked for children's health and educational programmes. She encouraged the Honduran Government to repeal the decree banning students from forming associations and to ratify the International Convention on the Elimination of All Forms of Racial Discrimination. With regard to the juvenile justice system, she said the lack of training programmes for children's judges and the poor management of detention centres were regrettable, and asked whether the Honduran Government was considering attaching greater importance to the social reintegration of juvenile offenders rather than their punishment. Lastly, she wished to have more detailed information on measures taken to help child victims of sexual abuse. Were there institutions to deal with those problems and were children able to lodge a complaint and seek advice?

23. Ms. MOKHUANE asked for details of the legal protection afforded to separated married couples when domestic violence was involved. She also wished to know whether the new law on disabled persons dealt with their access to public buildings. Lastly, she said she was concerned at the increased number of teenage pregnancies in both rural and urban areas, and asked whether pregnant teenagers were taking advantage of the programme set up for them.

The meeting was suspended at 4.45 p.m. and resumed at 4.55 p.m.

24. Mr. VALLADARES VALLADARES (Honduras) said the relevant authorities for authorizing adoption were the family courts, at the judicial level, and the National Social Welfare Board, at the administrative level. The courts were involved when the statement of abandonment was made and when notice of consent was given. The Honduran Institute for Children and the Family (IHNFA) was looking closely at situations in which parents wished to adopt a child and the children were temporarily at risk as long as the adoption procedure had not been completed. Under the proposed bill on adoption, the child would only be entrusted to the family seeking to adopt after a decision by the President of the Bar Association, psychologists, social workers, doctors and IHNFA, which ensured that all the requirements for adoption were met. He said that a process to harmonize legislation was under way in Honduras and that the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption should be ratified by the end of the year. There was no provision in Honduran law on

the right of a child to know his or her biological parents, but in practice there was some reticence on that point after negative experiences in the past when some biological families had made illegal offers that were detrimental to the institution of adoption. Consultations would be held to discuss whether it should be compulsory or not to tell children who their parents were before the bill on adoption was submitted to Parliament some time before the end of the year.

25. According to Interpol, no illegal adoption had taken place during the previous four years. However, the adoption programmes of certain private organizations did not always follow the procedure provided for in Honduras. At the time of speaking, 3,000 children were in private centres and could be adopted after consent was given and a statement of abandonment made. Moreover, the Public Prosecutor's Office, Interpol, Casa Alianza and IHNFA had dismantled a network of United States nationals trafficking in children and adults, at the same time closing down three centres for child prostitution. Studies were also being carried out with a view to putting an end to that unlawful trafficking and to the sex tourism advertised on the Internet in Latin America. Concerning the involvement of Honduran children in drug trafficking in Vancouver, a preliminary study on drugs illegally transported to the United States and Canada had resulted in 50 young Hondurans being apprehended and arrested.

26. In January 1997, the Honduran Government had signed a memorandum of understanding with ILO under the International Programme on the Elimination of Child Labour with a view to having a programme on that subject carried out in Honduras. A national commission bringing together around 25 governmental and non-governmental organizations had been set up in 1998 for that purpose. The commission was mainly concerned with the informal sector, in which 300,000 children aged under 14 were thought to work. Moreover, the Ministry of Labour and organizations from civil society were working out the arrangements for the prohibition of dangerous work and a technical office would ensure the measures taken were respected. The Honduran Government had also ratified ILO Convention No. 138 concerning the minimum age for admission to employment and had set up a tripartite commission to deal with child-labour issues and to take particular care that young girls working for the maquilas (subcontractors) in the north of the country were not exploited or subjected to violence.

27. Mr. VILLANUEVA said the Office of the Children's Procurator was responsible for the protection of children's rights throughout the Republic and for studying offences that might be committed by minors. That body, consisting of 12 experts, had been established before the Code on Children and Adolescents was adopted, and was currently involved in implementing the new criminal procedure for juveniles. In particular, it had recorded 1,321 cases of children who were the victims of crime between 1994 and 1998.

28. Ms. KARP asked what action was taken in regard to the 90 per cent of complaints that, according to the delegation's replies, did not lead to judicial proceedings.

29. Ms. MELENDEZ (Honduras) said that no action was taken in quite a number of cases because they were not serious enough or because they were settled by means of conciliation. If judicial proceedings were started, all the guarantees of a fair and equitable trial were respected. Legal aid was available to those in need. Deprivation of liberty was used as a security measure in only 30 per cent of cases involving juveniles, and as a socio-educational measure in only a tiny proportion of cases.

30. Mr. VALLADARES VALLADARES (Honduras), replying to the questions on health, said he had no detailed information on the number of teenage suicides, but they were uncommon in Honduras. With regard to the social security system, it was not a question of privatizing it but simply of considering the best ways to alleviate the crisis it was currently experiencing and extending its reach, as its coverage was still far from total.

31. HIV/AIDS was a very serious public health problem in Honduras. Figures collected in March 1999 by WHO and the Pan-American Health Organization revealed 13 cases among 10 to 14-year-olds, 283 cases among 15 to 19-year-olds and 1,317 cases among 20 to 24-year-olds. The issue of sex education had recently been the subject of a national debate and the State had set up official programmes in that area aimed, particularly, at educating teenagers in the use of condoms and in the avoidance of pregnancies in young girls. An international collaborative effort was under way to improve the living conditions of HIV-infected children. A recent study had revealed that 40 per cent of addicts had begun to use drugs before they were 15 years old. To combat that phenomenon, the State was having warnings placed on packs of cigarettes and bottles of alcoholic drinks and was waging public campaigns against drug addiction while raising the penalties for drug traffickers and users.

32. The maternal mortality rate, at 221 deaths per 1,000 births, was very high in Honduras. That phenomenon was no doubt partly due to the incidence of home births (54 per cent), which had less to do with the failings of the health system than with deeply ingrained habits, particularly in rural areas. In an attempt to change people's mentality, UNICEF was organizing campaigns to raise awareness of the importance of antenatal and post-natal care, as well as campaigns to promote breastfeeding.

33. He acknowledged that the situation of disabled people was one of the issues to which the State had not devoted all necessary attention. Accordingly, 90 per cent of the initiatives taken in that area were reliant on private funding. However, the Government, through the Ministry of Education, was implementing a number of programmes to help those in charge of disabled people. The National Commission for Disabled Children had recently become active again and the Social Investment Fund had sufficient resources to finance, in the future, educational and infrastructural measures to help the 12 per cent of Honduran children suffering from a severe handicap. The State also intended to remedy its shortcomings in the coming months by stepping up measures to integrate those children in society.

34. On the issue of education, he said that in areas where there were large numbers of indigenous people, bilingual education up to a certain level was available to them. He drew attention to plans to equip all municipalities with school libraries by the year 2000. With regard to organized gangs, they posed a serious problem - a recent study had identified about 120 of them in Tegucigalpa - but the Government was trying to set up programmes to give those youngsters something to do and to try to reintegrate them.

35. On the question of domestic violence, Honduran law recognized cohabitation and made no distinction between married and unmarried couples. The guarantees in the new law on domestic violence applied to spouses as well as to their parents and children. That law contained a wide array of provisions defining the procedures for lodging complaints and the applicable penalties, while at the same time aiming to protect the family environment. Nonetheless, it was

true that the judicial system did not cover the whole of the territory. In rural areas, where brutality against children was most common, it often fell therefore to the police - who were specially trained for the purpose - the health services and the municipal authorities to intervene. There was also a national plan on ill-treatment, which emphasized prevention through education and information.

36. Ms. SARDENBERG, introducing the preliminary conclusions of the Committee, took note of the considerable work carried out by the Honduran Government in the past five years. With regard to future action by the authorities to revive the economy and recover from the aftermath of Hurricane Mitch, she stressed that it would be especially important to increase the social budget, particularly to help children, and to improve cooperation between the Honduran Institute for Children and the Family and the Procurator's Office. She also encouraged the Honduran Government to ratify the International Convention on the Elimination of All Forms of Racial Discrimination and to set up programmes to help children in difficult circumstances, particularly poor children, street children, indigenous children, disabled children, working children and children in trouble with the law. In that respect, she welcomed the Honduran Government's intention to proceed with a technical review of the legislation with a view to removing the provisions that went against the principle of the comprehensive protection of children and to repeal the decree restricting the right of association of students. She also welcomed the signing of the memorandum of understanding with ILO on child labour. She went on to invite the Honduran authorities to continue with their efforts in the areas of health and the administration of juvenile justice, paying particular attention to programmes that provided alternatives to the deprivation of liberty. Finally, she stressed that the Government should make a major effort to educate and sensitize the people, making particular use of the concluding observations that would be adopted by the Committee.

37. Mr. VALLADARES VALLADARES (Honduras) welcomed the high standard of the discussions that had taken place. He assured Committee members that their comments would be duly taken into account in the measures to improve the situation of children in Honduras and that the Honduran Government would take care to disseminate the text of the Convention and the Committee's concluding observations. He acknowledged that, to date, investments under the reconstruction plan had given priority to the social infrastructure, to the detriment of human development, but hoped that that trend could be quickly reversed.

38. The CHAIRPERSON declared that the Committee had completed its consideration of the second periodic report of Honduras. She thanked the Honduran delegation and, on behalf of the Committee, wished it every success in its activities to help the children of Honduras.

The meeting rose at 6.15 p.m.